

SENATE BILL REPORT

SB 5165

As Reported By Senate Committee On:
Judiciary, February 5, 2003

Title: An act relating to vehicular pursuit by law enforcement officers.

Brief Description: Regulating vehicular pursuit.

Sponsors: Senators Kohl-Welles, Kline, McCaslin and Franklin.

Brief History:

Committee Activity: Judiciary: 1/31/03, 2/5/03 [DPS].

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 5165 be substituted therefor, and the substitute bill do pass.

Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Staff: Jinnah Rose-McFadden (786-7421)

Background: National statistics reveal one third of police chases result in crashes and one out of every five result in injuries. The Washington State Patrol (WSP) has produced guidelines on police pursuit. Many local police departments base their policies on the WSP's. Policies differ from department to department, however, with some permitting pursuit at an officer's discretion and others tightly restricting pursuits.

In Washington, a general authority peace officer who possesses a certificate of basic law enforcement training or a certificate of equivalency may enforce the traffic and criminal laws of this state. Enforcement powers include fresh pursuit; any peace officer with authority to make an arrest may proceed in fresh pursuit of a person (1) who is reasonably believed to have committed a traffic or criminal law violation, or (2) for whom the officer holds a warrant of arrest. "Fresh pursuit" does not necessarily imply immediate pursuit, but pursuit without unreasonable delay.

Summary of Substitute Bill: The Washington State Criminal Justice Training Commission, the Washington State Patrol, the Washington Association of Sheriffs and Police Chiefs, and organizations representing local law enforcement officers must work in conjunction to develop a written model policy on vehicular pursuits. At a minimum, the policy must provide for: (a) supervisory control, if available, of the pursuit; (b) procedures for designating the primary pursuit vehicle and the number of vehicles permitted to participate in the pursuit; (c) procedures for coordinating operations with other jurisdictions; and (d) guidelines for determining when the interests of public safety and effective law enforcement justify a pursuit, when a pursuit should not be initiated, and when a pursuit should be terminated.

By June 1, 2004, every state, county, and municipal law enforcement agency must adopt and implement a vehicular pursuit policy. Any policy adopted by local law enforcement must address the same minimum requirements addressed in the model policy.

By June 30, 2006, every new full-time law enforcement officer employed, after the effective date of this act, by a state, county, or municipal law enforcement agency must be trained on the vehicular pursuit policy. After July 1, 2006, every new full-time law enforcement officer must be trained on the vehicular pursuit policy within six months of employment. Law enforcement officers who are employed as of the effective date of this act are not required to receive new training on the vehicular pursuit policy.

Substitute Bill Compared to Original Bill: The proposed substitute clarifies language in Section 3 of the bill. There were concerns that the language in Section 3 was unclear and difficult to understand. Specifically, there was confusion regarding which law enforcement officers were required to receive additional training on vehicular pursuit policies. The proposed substitute re-writes this language. No substantive changes were made to the bill.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: There are high numbers of people injured and killed each year in vehicular pursuits; the injured include those being pursued, as well as law enforcement officers and innocent bystanders.

Despite the danger inherent in vehicular pursuits, in some situations pursuit is necessary and justified. The difficult policy issue arises in balancing public safety factors impacted by allowing suspected criminals to evade police versus the impact of pursuing criminals in high speed car chases. A good first step in weighing these conflicting policy issues is to bring law enforcement agencies together to write model guidelines on vehicular pursuit. Consistent statewide guidelines are helpful to the law enforcement community.

Concerns have been raised regarding the ability to develop a model policy capable of addressing the diverse needs of both rural and urban law enforcement agencies. Despite these concerns, it is agreed that model policies can be developed if the unique environments of smaller agencies are kept in mind. WASPC has a history of working with small law enforcement agencies and is aware of the unique challenges these agencies face.

Testimony Against: None.

Testified: PRO: Senator Kohl-Welles, prime sponsor; Senator Brandland; Larry Erickson, WASPC; Michael Parson, CJTC; Glen Cramer, WSP; Bill Hanson, WACOPS; Jerry Sheehan, ACLU - WA; Larry Shannon, WSTLA.